

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA

2021 FEB 18 PM 5:28

OFFICE OF THE CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

XINYU ZHOU,  
YUAN GAO, and  
ARIAN ESFANDIARI

Defendants.

8:20CR327

SUPERSEDING INDICTMENT

18 U.S.C. § 1951(a)  
18 U.S.C. § 1951  
18 U.S.C. § 2

The Grand Jury charges that

**COUNT I**  
**CONSPIRACY**

Between on or about December 14, 2020 and December 15, 2020, in the District of Nebraska and elsewhere, XINYU ZHOU, YUAN GAO, and ARIAN ESFANDIARI, defendants herein, did knowingly and willfully conspire and agree together and with each other, and with other persons known and unknown to the grand jury, to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, by unlawfully taking and obtaining personal property consisting of United States currency, said currency being in part the proceeds of commercial sex acts, and a cellular telephone, from the person of Victim #1, against Victim #1's will by means of actual and threatened force, violence, and fear of injury, immediate and future, to Victim #1's person by threatening to harm Victim #1 with a hammer and by physically restraining Victim #1.

**MANNER AND MEANS OF THE CONSPIRACY**

It was part of the conspiracy that defendants, directed by other persons known and unknown to the grand jury, would travel to the District of Nebraska to threaten and rob Victim #1, who was engaged in illegal commercial prostitution, of currency and her phone.

It was part of the conspiracy that on December 14, 2020, GAO and ZHOU arrived in Kansas City, Missouri MCI ( Mid-Continent International Airport) airport via flights from DFW (Dallas-Fort Worth) and LGA (LaGuardia).

It was also part of the conspiracy that on December 14, 2020, GAO and ZHOU rented a 2020 Silver Toyota Corolla from Hertz Rent A Car and drove to the District of Nebraska.

It was also part of the conspiracy that on December 14, 2020, GAO and ZHOU drove the rented Silver Toyota Corolla to a Home Depot store located in Omaha, Nebraska, where they purchased a hammer and zip ties which would be used to threaten and intimidate Victim #1 and to compel Victim #1 to follow the defendants' demands during the robbery.

It was also part of the conspiracy that on December 14, 2020, GAO and ZHOU drove the rented Silver Toyota Corolla to Eppley Airfield to pick up ESFANDIARI who had arrived in the District of Nebraska on an American Airlines flight from DFW.

It was also part of the conspiracy that on December 14, 2020, defendants stayed in the same hotel room at the Sonesta Suites, Omaha, Nebraska, which room was rented in the name of a third-party in an effort conceal their true identity.

It was also part of the conspiracy that on December 15, 2020, in an effort to conceal their true identity, defendants departed the Sonesta Suites in the rented 2020 Silver Toyota Corolla and drove to Eppley Airfield where the Silver Toyota Corolla was returned and exchanged for a White Nissan Rogue rented from Hertz Rent A Car.

It was also part of the conspiracy that on December 15, 2020, in an effort to disguise their physical appearance, defendants drove the rented White Nissan Rogue to a Party City store located in Omaha, Nebraska, where they purchased a black wig and black wig cap.

It was also part of the conspiracy that on December 15, 2020, defendants, through the use of a cellular telephone, requested a “date” with Victim #1. The defendants intended to use the “date” as a way to obtain access to Victim #1’s hotel room at the Hawthorn Suites located at 360 S. 108<sup>th</sup> Avenue, Omaha, Nebraska.

It was also part of the conspiracy that on December 15, 2020, defendants drove the rented White Nissan Rogue to the Hawthorn Suites, 360 S 108<sup>th</sup> Avenue, Omaha, Nebraska, for purposes of robbing Victim #1.

#### **OVERT ACTS**

In furtherance of the conspiracy identified above, and to affect the objects of the conspiracy, the following overt acts, among others, were committed in the District of Nebraska and elsewhere:

1. That on December 14, 2020, GAO and ZHOU arrived in Kansas City, Missouri MCI airport via flights from DFW and LGA.
2. That on December 14, 2020, GAO and ZHOU rented a 2020 Silver Toyota Corolla from Hertz Rent A Car and drove to the District of Nebraska.
3. That on December 14, 2020, GAO and ZHOU drove the rented Silver Toyota Corolla to a Home Depot store located in Omaha, Nebraska, where they purchased a hammer and zip ties.

4. That on December 14, 2020, GAO and ZHOU drove the rented Silver Toyota Corolla to Eppley Airfield to pick up ESFANDIARI who had arrived in the District of Nebraska on an American Airlines flight from DFW.
5. That on December 14, 2020, defendants stayed in the same hotel room at the Sonesta Suites in Omaha, Nebraska, which room was rented in the name of a third-party.
6. That on December 15, 2020, defendants rented a White Nissan Rogue from Hertz Rent A Car.
7. That on December 15, 2020, defendants drove the rented White Nissan Rogue to a Party City store located in Omaha, Nebraska, where they purchased a black wig and black wig cap.
8. That on December 15, 2020, defendants, through the use of a cellular telephone, requested a "date" with Victim #1.
9. That on December 15, 2020, defendants drove the rented White Nissan Rogue to the Hawthorn Suites, 360 S. 108<sup>th</sup> Avenue, Omaha, Nebraska.
10. That on December 15, 2020, defendants did attempt to obstruct, delay, and affect commerce by unlawfully attempting to take and obtain personal property consisting of United States currency, said currency being in part the proceeds of commercial sex acts, and a cellular telephone, from the person of Victim #1, against Victim #1's will by means of actual and threatened force, violence, and fear of injury, immediate and future, to Victim #1's person, that is, by the defendants intending to threaten to harm, and intending to actually harm, Victim #1 with a hammer and by physically restraining Victim #1.

All in violation of Title 18, United States Code, Section 1951(a) and Section 2.



COUNT II

That at all times material to this Indictment Victim #1, a person known to the grand jury, was engaged in illegal commercial prostitution, in interstate commerce and affecting interstate commerce.

That on or about December 14, 2020 and December 15, 2020, in the District of Nebraska, and elsewhere, XINYU ZHOU, YUAN GAO, and ARIAN ESFANDIARI, defendants herein, did attempt to obstruct, delay and affect commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendants did unlawfully attempt to take and obtain personal property consisting of United States currency, said currency being in part the proceeds of commercial sex acts, and a cellular telephone, from the person of Victim #1, against Victim #1's will by means of actual and threatened force, violence, and fear of injury, immediate and future, to Victim #1's person, that is, by the defendants intending to threaten to harm, and intending to actually harm, Victim #1 with a hammer and by physically restraining Victim #1.

All in violation of Title 18, United States Code, Section 1951 and Section 2.

A TRUE BILL.

FOREPERSON 

The United States of America requests that trial of this case be held in Omaha, Nebraska, pursuant to the rules of this Court.

 #25275  
for DONALD J. KLEINE, #22669  
Assistant U.S. Attorney